

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Prior to the Office Action, claims 1-12 were pending. Through this Reply, claims 13-26 have been added. Therefore, claims 1-26 are pending. Claims 1, 9 and 13 are independent.

§ 102 REJECTION – STEINBERG

Claim 9 stands rejected under 35 USC 102(e) as allegedly being anticipated by Steinberg et al. (USP 6,433,818). *See Office Action, item 2.* Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Contrary to the Examiner's allegation, Steinberg may not be relied upon to teach or suggest all features of claim 9. For example, independent claim 9 recites, in part "automatically registering the inputted fingerprint data ... in case no fingerprint data is registered ... " Steinberg cannot be relied upon to teach or suggest at least this feature.

In the Office Action, the Examiner alleged that this action is inherent in the system of Steinberg in that a database would have to be created in order for the camera to operate as explained. *See Office Action, page 2, last paragraph.*

Contrary to the Examiner's allegation, Steinberg provides a specific method to input biometric data, such as fingerprints, in the system. As shown in Figure 7, the camera may be initially set up with a biometric signature data of a person authorized to operate the camera. *See also, column 5, lines 39-42.* The process of setting up this biometric signature data is specifically disclosed in Figure 8. *See also column 5, lines 55-56.* In Figure 8, the user must enter a predetermined password to instruct the camera to create the signature data. *See Figure 8, step 124; column 5, lines 60-62.* The predetermined password must be entered regardless of whether or not there are other pre-existing biometric signature data for other authorized users. In other words, the system as disclosed in Steinberg cannot teach or suggest the feature of automatically registering the inputted fingerprint data in case no fingerprint data is registered. Indeed, Steinberg actually teaches away from this feature in that the user must take specific actions – entering the predetermined password – in order to set up his or her biometric signature data. Therefore, contrary to the Examiner's allegation, claim 9 is distinguishable over Steinberg.

Applicant respectfully requests that the rejection of claim 9 based on Steinberg be withdrawn.

§ 103 REJECTION – STEINBERG, OHMURA

Claims 1-2, 4-6, 8, and 11-12 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Steinberg in view of Ohmura (US Publication 2003/0035054). *See Office Action, item 3.* Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Steinberg and Ohmura cannot be relied upon to teach or suggest each and every feature of the claims. For example, independent claim 1 recites, in part “a memory for storing therein frames of image data so that each frame is associated with one of the identifiers.” The Examiner readily admits that Steinberg cannot be relied upon to teach or suggest this feature. *See Office Action, page 4, lines 6-12.*

However, the Examiner alleges combining the teachings of Ohmura to correct to this deficiency of Steinberg. As will be demonstrated below, the Examiner's logic fails.

More specifically, the Examiner alleges that Ohmura teaches associating photographers who inherently have different fingerprint data with a specific folder name and relies upon Figure 38 of Ohmura. *See Office Action page 4, lines 13-19.* This is misguided.

Ohmura is directed toward a digital image storage system. *See paragraph 0003.* As shown in Figure 1, the system as described in Ohmura includes a TV main body 1, a monitor 2, an image storage 4, a docking station 5 for docking a digital camera 6 and a printer 9 all connected via various cables. The second embodiment shown in Figure 29 is similar to the embodiment as shown in Figure 1 except that the second embodiment of Figure 29 further includes a modem 10 and the camera being connected directly through a cable instead of a docking station. Operationally, the two embodiments are similar.

The only description regarding the cameras as disclosed in Ohmura indicates that the cameras are merely used to take photographs and to download the photographed images to the image storage 4 (or 7 in case of the second embodiment) of the digital image system. Ohmura is completely silent regarding particular storage management capabilities of the camera itself.

Ohmura more fully describes management of storage and image data of the system after the photographed images have been downloaded from the camera to the image storage 4 or 7. The relied upon portion of Ohmura is an example of the operation conducted by the image storage and not the camera.

Thus, at best, combining Steinberg and Ohmura would result in a system where the camera as described in Steinberg would download the pictures recorded into the image storage system as described in Ohmura. The camera as described in Steinberg itself would not be modified at all. Thus, the combination of Steinberg and Ohmura fails.

Even if Ohmura is unreasonably combined with Steinberg as alleged, the result would still not teach or suggest the recited feature. More specifically, Figure 38 is merely an example of a search condition to search for images in the image storage. *See paragraph 0283-0289.* Setting up search conditions cannot be equivalent to disclosing a memory for storing frames of image data associated with fingerprint data identifiers.

It is further noted that Ohmura is completely silent regarding keeping data related to fingerprint data identifiers at all.

Independent claim 1 also recites, in part “a controller for ... executing an instruction if the instruction is intended to handle a frame of image data associated with the identifier stored in said authorizer.” *Emphasis added.* The

Examiner relied upon Steinberg, column 3, lines 61-63 to allegedly teach or suggest this feature.

However, a closer examination of the relied upon portion of Steinberg merely indicates that the display 47 may be used to supply visual information to the user. Steinberg is absolutely silent regarding whether the frame of image data is associated with the identifier stored in any type of authorizer at all. And as shown above, Ohmura cannot be relied upon to correct for this deficiency of Steinberg.

For at least the reasons stated above, independent claim 1 is distinguishable over the combination of Steinberg and Ohmura. Claims 2, 4-6 and 8 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated with respect to independent claim 1, these dependent claims are also distinguishable over the combination of Steinberg and Ohmura.

The dependent claims are also distinguishable on their own. For example, regarding claim 4, the Examiner again alleges that Figure 38 may be combined with the teachings of Steinberg. However, it has been shown above that Figure 38 of Ohmura is completely associated with the image storage system 4. Figure 38 is in no way associated with the capabilities regarding digital cameras as disclosed in Ohmura. Therefore, even if teachings of Ohmura and Steinberg are

combined, the feature of claim 4 cannot be taught or suggested by the combination of Steinberg and Ohmura.

Also as noted above, Ohmura cannot be relied upon to identify folders with fingerprint data users at all. Thus, claim 5 is also distinguishable on its own.

Regarding claims 11 and 12, it is noted that they depend from independent claim 9 directly or indirectly. It has been shown above that claim 9 is distinguishable over Steinberg. Ohmura has not been and cannot be relied upon to correct for the above noted deficiencies of Steinberg. Therefore, independent claim 9 is also distinguishable over the combination of Steinberg and Ohmura.

For at least due to the dependency thereon, claims 11 and 12 are also distinguishable over the combination of Steinberg and Ohmura.

Applicant respectfully requests that the rejection of claims 1-2, 4-6, 8 and 11-12 based on Steinberg and Ohmura be withdrawn.

§ 103 REJECTION – STEINBERG, OHMURA, KRAMER

Claim 3 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Steinberg, Ohmura in further view of Kramer et al. (US

Publication 2001/0043728). *See Office Action item 4.* Applicant respectfully traverses.

It is noted that claim 3 depends on claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Steinberg and Ohmura. Kramer has not been and cannot be relied upon to correct for at least the above noted deficiencies of Steinberg and Ohmura. Therefore, claim 1 is distinguishable over the combination of Steinberg, Ohmura and Kramer.

For at least due to the dependency thereon, claim 3 is also distinguishable over the combination of Steinberg, Ohmura and Kramer. Applicant respectfully requests that the rejection of claim 3 based on Steinberg, Ohmura and Kramer be withdrawn.

§ 103 REJECTION – STEINBERG, OHMURA, SAFAI

Claim 7 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Steinberg and Ohmura and in view of Safai (US Publication 2002/0191090). *See Office Action item 5.* Applicant respectfully traverses.

It is noted that claim 7 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Steinberg and Ohmura. Safai has not been, and indeed cannot be relied upon to correct for at least the above noted deficiencies of Steinberg and Ohmura.

Therefore, independent claim 1 is distinguishable over the combination of Steinberg, Ohmura and Safai.

For at least due to the dependency thereon, claim 7 is also distinguishable over the combination of Steinberg, Ohmura and Safai. Applicant respectfully requests that the rejection of claim 7 based on Steinberg, Ohmura and Safai be withdrawn.

§ 103 REJECTION – STEINBERG

Claim 10 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Steinberg. *See Office Action item 6.* Applicant respectfully traverses.

It is noted that claim 10 depends from claim 9 and it has been shown above that claim 9 is distinguishable over Steinberg. Thus, for at least due to the dependency thereon, claim 10 is also distinguishable over Steinberg.

Applicant respectfully requests that the rejection of claim 10 based on Steinberg be withdrawn.

NEW CLAIMS

Through this reply claims 13-26 have been added. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicants respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

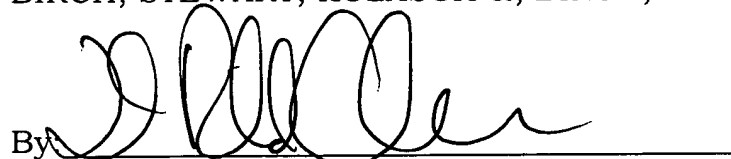
U.S. Application No. 10/084,181
Docket No. 0378-0386P
Art Unit: 2615
Reply filed May 25, 2005
Page 27 of 27

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By



D. Richard Anderson
Reg. No. 40,439

^{HNS}
DRA/HNS/jm/ags

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s):